

Alexandria Gazette

VOLUME CVL--NO. 235.

ALEXANDRIA, VA., WEDNESDAY EVENING, OCTOBER 4, 1905.

PRICE 2 CENTS.



Let go or die. That's the alternative of the shipwrecked man with the money bag. A great many people have a like alternative before them. Business men come to a point where the doctor tells them that they must "let go or die." Probably he advised a sea voyage or mountain air. There's an obstinate cough that won't be shaken off. The lungs are weak and perhaps bleeding. There is emaciation and other symptoms of disease, which if unskillfully or improperly treated terminate in consumption. Thousands of men and women in a like condition have found complete healing by the use of Dr. Pierce's Golden Medical Discovery.

"It gives me pleasure to send you this testimonial so that some other poor sufferer may be saved, as I was by Dr. Pierce's Golden Medical Discovery," writes Geo. A. Thompson, of Sheldon Ave., Chatham, Ont., Canada. "I had a cough for years, expectorated a great deal, and was slowly failing. Was losing flesh every day. Lost in weight from 150 pounds down to 125. My flesh got soft and I had no strength. Did not say anything to any one but made up my mind that the end was not far off. One day my wife was reading in the 'Common Sense Medical Adviser' about Dr. Pierce's Golden Medical Discovery, and I said that sounded more like a cure than anything else that I had heard. I at once bought a bottle of your famous remedy and had it for ten days. I gained sixteen pounds and never have had a cough since. I feel solid and give all the credit to your medicine."

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of any kind, headache, toothache, earache, stomachache, backache, sideache, and all similar nerve disorders, are instantly soothed, and quickly relieved and cured, by that most dependable of all medicines for the relief of pain,

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THE LAWLER-FRENCH SUIT.

The following is the text of the opinion handed down recently by Judge John A. Buchanan of the Court of Appeals in the case of Lawler et al. vs. French, &c., from the Corporation Court of this city:

The object of this suit was to enjoin the appellant, Lawler, from prosecuting an action of unlawful detainer to recover the possession of a house and lot purchased by him from the trustees in a deed of trust, executed to secure the payment of money loaned or advanced by a building and loan association to Robert W. French, one of its members, together with the dues and premiums on the borrower's stock, fines for the non-payment of such dues and premiums, and all taxes and assessments on the trust property during the continuance of the advancement; to set aside the sale and conveyance made by the trustees; and to have an accounting between the association and the borrowing member. The court upon the hearing of the cause granted the relief prayed for, and from that decree this appeal was allowed.

The grounds stated in the bill for having the sale and conveyance made by the trustees set aside, (1) That at the time of the sale the complainant was not three months in arrears in the payment of dues, fines, interest or instalments payable to the association; (2) That the sale was ordered without notice to him or demand upon him for the payment of any dues, fines or interest and was in fraud of his rights and contrary to the covenants and terms of the deed of trust; (3) That there were only four persons present at the sale besides the inmates of his house; (4) That his sister-in-law was present at the sale and instructed and directed a friend who was near her to make a bid in excess of the price at which the property was knocked off, which she thought had been communicated to the auctioneer, but by some mistake or misunderstanding was not cried; (5) That the price at which the house and lot were sold was grossly inadequate, and a fraud upon the complainant's rights, as the property was worth more than double the amount for which it was sold; (6) That the complainant believes and charges that there was fraud and collusion between the purchaser and the trustees, both conspiring at the sale at small figures, and although the complainant protested against the sale and offered to reimburse the purchaser, he declined to accept the money he paid for the property and that the whole transaction so far as the purchaser and the trustees were concerned was concluded in less than two days after the sale.

The trustees and purchaser demurred to and answered the bill. In their answers they deny all the material allegations relied on as grounds for setting aside the sale and conveyance except the statement in the bill that the complainant was not three months in arrears on his monthly dues, fines, interest or instalments. While the answers of the trustees admit that the complainant was not three months in arrears on account of his dues, etc., they aver that he had not paid the taxes upon the property for several years, and that immediately prior to advertising the property for sale by the trustees the building association had been required to pay and did pay the said taxes and assessments, amounting to the sum of \$398.54, which the complainant, although often requested, had refused to refund. The trustees further state in their answer that after the sale and conveyance sought to be set aside the said French had ratified the sale by giving an order upon them for the balance of the proceeds of sale after satisfying the debt secured by the trust deed, and that they paid over the same to the assignee and had settled their accounts before the commissioner of accounts.

The complainant failed to prove the material allegations of his bill. There is not the slightest evidence of fraud or collusion on the part of the trustees and the purchaser. Although there were but few persons present at the sale, it was advertised in the manner prescribed by the trust deed in a newspaper of the city, of large circulation. The auctioneer bid on the property for the association a sum in excess of its debt, which was more than another person who had gone there to bid was willing to give for it. It was sold to the purchaser, Lawler, as the highest and best bidder. There was nothing in the condition of the weather to prevent persons from attending the sale, so far as the record shows. While the sale, so far as the house and lot is concerned, more than they were sold for, cost much more than their location is, it further appears that their location is a very undesirable one, and that such residential property in that part of the city does not sell for anything like its original cost. It is by no means clear that the property, if offered for sale, again would sell for much, if any, more than the price at which it did sell, at least there is no such inadequacy of price shown as would justify the court in setting aside the sale on that ground.

The clear preponderance of evidence is, that the sister-in-law of the appellee, French, who was present at the sale, did not bid or authorize any one else to bid for her.

The allegation of the bill, that Mr. French, who was present at the sale, protested against the sale, is not only not sustained by the proof, but after the sale he assigned to a Mr. Andrews, one of his creditors, so much of his interest in the proceeds of the sale as was necessary to pay that creditor's debt. It is true that he and his assignee testify that the order on the trustees was not understood to be an assignment, but was given merely



How To Gain The Happiness Of Children

Motherhood is woman's highest sphere in life. It is the fruition of her dearest hopes and most holy desires. Yet thousands of noble women, through the derangement of the female generative organs brought on by female weakness and disease, are unable to produce children! Ninety-nine times out of every one hundred Lydia E. Pinkham's Vegetable Compound will so restore and strengthen the female organism as to make child bearing possible, easy, and safe.

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with its record of thousands of cures, is the remedy for women. Thousands of women are happy mothers of beautiful children to-day because in time of need they took Lydia E. Pinkham's Vegetable Compound. No matter what your female weakness or disease, it will afford you speedy relief and cure. Every woman who desires to become a mother should read these letters:

Dear Mrs. Pinkham:—I had been married seven years and had no children, owing to a female weakness and womb trouble, which caused me severe suffering each month. A lady advised me to try Lydia E. Pinkham's Vegetable Compound, and I did so, and now I have no more pains and am perfectly well, besides having a fine baby boy. Mrs. ROSA F. KARL, Ravenna, Neb.

Another happy and grateful mother writes to Mrs. Pinkham as follows:

Dear Mrs. Pinkham:—I was very anxious for a child, but could not carry one to maturity. My husband advised me to take Lydia E. Pinkham's Vegetable Compound. I did so, and soon began to feel better in every way. I continued its use and was enabled to carry my next child to maturity. I now have a nice baby girl, and I feel like a new woman. Mrs. FRANK BEYER, 22 S. Second St., Meriden, Conn.

Actual sterility in woman is very rare. If any woman thinks she is sterile, let her write to Mrs. Pinkham at Lynn, Mass., whose advice is given free to all would-be and expectant mothers. Her letter will give you valuable information.

Lydia E. Pinkham's Vegetable Compound Cures Where Others Fail

ly to secure the creditor, and that the paper was not intended to be a ratification of the sale. The conduct of both complainant and the assignee in direct conflict with this contention and in accordance with the plain provisions of the assignment, which was written by an attorney and acknowledged, before a notary, for when the trustees pursuant to the terms of the assignment, paid the money to the assignee he received it without any claim that the order did not entitle him to receive the money but was a mere security for the debt; and Mr. French, himself, after the assignment had been given, made an effort to collect a part of the said proceeds from the trustees, and when shown his assignment to Mr. Andrews he said he had forgotten all about it.

The contention of Mr. French that the trustees in the deed of trust advertised and made sale of the property before there had been any breach of the bond for the money loaned, or the deed of trust securing the same, is not borne out by the record. By the terms of the trust the by-laws of the association of which the complainant was a member (Art. IX, sec. 6) expressly provide that "If any person who has received an advance neglects to pay interest, dues or monthly payments thereon for a period of three months from the time the same shall be due, or if he neglects to pay his insurance or taxes within ten days after they fall due, or to perform any condition or requirement contained in the obligation or security for such advance, then the whole principal mentioned in the mortgage, note or bond shall at once become due and payable without further notice, and proceedings may be commenced forthwith to foreclose said mortgage or to collect said bond or note, in such manner as the law directs, or as the board of directors may deem best for the interests of the association."

When the sale was advertised, the complainant had failed to pay his taxes for several years, and they had been paid by the association. This failure to pay his taxes was a violation of his contract with the association and gave it the right to have the property sold. The fact that the association had not earlier exercised that right was not a waiver of the right to have it sold for their nonpayment.

Nether does the evidence sustain the contention that the association had agreed, when Mr. French paid up his other dues, to give him a longer time within which to pay his taxes than was given.

The appellee, French, asserts in his brief that the trustees made the sale without any request to them in writing by the building association and their sale was therefore an unlawful exercise of the powers conferred upon them by the deed of trust. He further contends that the sale was made in fact a mortgage, and not a deed of trust, and that he is entitled to redeem the property. The ground upon which it is claimed that the conveyance is a mortgage, although in form a deed of trust,

is that one of the trustees was a stockholder and an officer in the building association.

Neither of these contentions were made in the bill and no facts alleged upon which they can be based. These questions not having been put in issue by the pleading cannot be considered by the court.

Without discussing further the grounds relied on for the relief sought, it is sufficient to say that we are of opinion that the case made did not warrant the court in setting aside the sale. Its decree must, therefore, be reversed, the injunction dissolved and the bill dismissed.

A copy. Teste:

J. M. KELLY, C. C.

A Daredevil Ride

often ends in a sad accident. To heal accidental injuries, use Bucklen's Arnica Salve. "A deep wound in my foot, from an accident," writes Theodore Schuele, of Columbus, O., "caused me great pain. Physicians were helpless, but Bucklen's Arnica Salve quickly healed it." Soothes and heals burns like magic. 25c at E. S. Leadbeater, & Sons, druggists.

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"Last year I had a very severe attack of indigestion. I could not sleep at night and suffered most excruciating pains for three hours after each meal. I was troubled this way for about three months when I used Chamberlain's Stomach and Liver Tablets, and received immediate relief," says John Dixon, Tullamore, Ontario, Canada. For sale by Gibson & Timberman and W. F. Creighton & Co.

A Splendid Idea.

A new idea in a Cough Syrup is advanced in Kennedy's Laxative Honey and Tar. Besides containing Pine Tar, Honey and other valuable remedies. It is rendered Laxative so that its use insures a prompt and efficient evacuation of the bowels. It relaxes the nervous system, and cures all coughs, colds, croup, whooping cough, etc. A red clover blossoms and the honey bee is on every bottle of the Original Laxative Cough Syrup—Kennedy's Laxative Honey Tar. An ideal remedy for children. Mothers praise it. It is best for all. Sold by W. F. Creighton, & Co., 401 King street.

FOR SALE.

Three fine building lots on north Columbus street, between Queen and Princess streets (Courthouse Square). Each has a frontage of 20 feet and a depth of 110 feet to an alley 13 feet 5 inches wide. For prices and terms apply to

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It will pay you to examine our stock and get our prices.

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CARPETS and RUGS

Our new stock of Fall Carpets and Rugs represents the latest designs and choicest patterns, which we submit for your inspection. Brussels Carpets at 70c. Good quality Ingrain at 50c. For the kitchen the old time Rag Carpet. Art Squares from \$3.75.

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THE CITY OF ALEXANDRIA.

I hereby respectfully announce myself a candidate for the office of Clerk of the Courts, subject to the decision of a democratic primary.

Having been deputy to the late John S. Beach, I refer my fellow citizens to my record in the discharge of my duties in that capacity as to my fitness and qualifications to succeed to the office of the clerk. I solicit the support of my fellow citizens and ask their endorsement.

NEVELL S. GREENAWAY.

Alexandria, Va., September 15, 1905.

TO MY FELLOW CITIZENS:

I will be a candidate for CLERK OF THE CORPORATION COURT of the city of Alexandria, subject to the primary, to be held on Thursday, October 12th, and request your support.

I have been a loyal democrat from my first vote to my last. Since my youth I have devoted my best efforts at every election to my party. Should I be chosen to the office I will devote my full time to the work, and endeavor, as best in me lies, to so conduct the office that all work will be kept up to date, and every one having business there will receive immediate attention.

My aim and chief desire will be to have a model office, with everything in order and proper place.

At all times every courtesy and every assistance will be rendered to all having business with the office. Yours respectfully,

sepi22 to CHARLES BENDELM.

FOR MAGISTRATE.—I respectfully announce myself a candidate for the office of Magistrate for the Second ward, subject to the decision of the democratic primary, October 12, and solicit your vote and support.

sepi21 2w* WILLIAM A. MOORE, SR.

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Graduate of Columbian University, Washington, D. C.

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